




MANDATORY OUTPATIENT TREATMENT

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Mandatory Outpatient Treatment Criteria (§ 37.2-817.D)

- (a) Same commitment criteria as for inpatient treatment;
- (b) Less restrictive alternatives that would offer an opportunity for improvement of person's condition have been investigated and are determined to be appropriate, and



Mandatory Outpatient Treatment Criteria (§ 37.2-817.D)


■ The person

- ☐ 1) Has sufficient capacity to understand stipulations of his treatment,
- ☐ 2) Has expressed interest in living in community and agreed to abide by his treatment plan,
- ☐ 3) Is deemed to have capacity to comply with treatment plan and understand and adhere to conditions and requirements of treatment and services, and
- ☐ 4) Ordered treatment can be delivered on outpatient basis by CSB or designated provider




Mandatory Outpatient Treatment Criteria (§ 37.2-817.D)

- Less restrictive alternatives shall not be determined to be appropriate unless:
 - Services are actually available in community, and
 - Providers of services have actually agreed to deliver the services




Mandatory Outpatient Treatment Duration (§ 37.2-817.E)

- MOT duration determined by court based upon recommendation of CSB
- Not to exceed 90 days
- Any continuance of MOT not to exceed 180 days




MOT Order (§ 37.2-817.F)

- MOT order shall require CSB where person resides to:
 - Monitor implementation of MOT plan, and
 - Report any material noncompliance to court



MOT Initial Treatment Plan (§ 37.2-817.F)


- MOT order must include initial treatment plan developed by CSB that completed preadmission screening report



Initial MOT Plan - Contents


(§ 37.2-817.F)

- ☐ Describe arrangements made for initial in-person appointment or contact with each service provider, and
- ☐ Include any other relevant information available regarding treatment ordered
- ☐ Identify specific services to be provided
- ☐ Identify provider who has agreed to provide each service




Comprehensive MOT Plan (§ 37.2-817.G)

- Within 5 work days of order, CSB of person's residence must file comprehensive MOT plan with court for approval
- Upon approval, plan filed with court and incorporated into MOT order
- Any subsequent substantive modifications filed with court for review and attached to order



Comprehensive MOT Plan Contents (§ 37.2-817.G)


- ☐ 1) Identify specific type, amount, duration, and frequency of each service
- ☐ 2) Identify provider who has agreed to provide each service
- ☐ 3) Certify that services are most appropriate and least restrictive treatment available for person
- ☐ 4) Certify that each provider has complied and continues to comply with applicable licensing provisions (e.g., DMHMRSAS, Health Regulatory Boards)



Comprehensive MOT Plan


Contents (cont.) (§ 37.2-817.G)

- 5) Be developed with fullest possible involvement and participation of person and reflect his preferences to greatest extent possible to support his recovery and self-determination
- 6) specify particular conditions with which person shall be required to comply, and
- 7) describe how CSB shall monitor compliance with plan and report any material noncompliance.




Mandatory Outpatient Treatment CSB Out (§ 37.2-817.H)

- If CSB determines necessary services not available or cannot be provided, it must notify court within 5 business days of entry of order
- Within 2 business days of receipt of notice, court must hold hearing



Delivery of MOT Order (§ 37.2-817.1)

- Clerk of court shall provide order to person, his attorney and CSB
- CSB of residence must acknowledge receipt on form provided by court



Transfer of MOT Orders (§ 37.2-817.K)

- Court may transfer jurisdiction to court where person resides after entry of MOT order
- CSB must remain responsible for monitoring compliance until CSB serving locality where jurisdiction transferred acknowledges transfer and receipt of order to clerk




Monitoring MOT Orders (§ 37.2-817.1.A)

- Monitoring includes:
 - Contacting service providers to determine if person is complying
 - Notifying court of person's material noncompliance
- Providers of services identified in plan shall report any material noncompliance to CSB




Monitoring MOT Orders (§ 37.2-817.1.B)

- If CSB determines person materially failed to comply, the CSB must:
 - Petition court for review of MOT order within 3 days or 24 hours if person under TDO
 - Recommend appropriate disposition
 - Send copies of petition to person and his attorney




Monitoring MOT Order (§ 37.2-817.1.C)

- If CSB determines person not materially complying and meets commitment criteria, CSB shall immediately request an ECO or TDO




MOT Orders – Court Review (§ 37.2-817.2.A)

- Court shall hold hearing within 5 days of receiving petition for review (or close of business on next business day)
- If person is detained, within TDO timeframe
- Clerk shall provide notice to person, CSB, all treatment providers, and original petitioner




MOT Orders – Hearing (§ 37.2-817.2.A)

- Preference given to appointing attorney who represented person at initial hearing
- Same judge or special justice not required to conduct review hearing
- CSB shall offer to arrange transportation if person not detained and has no transportation




MOT Hearing – Examiner (§ 37.2-817.2.B)

- Examiner must be appointed only if requested by:
 - ☐ Person
 - ☐ CSB
 - ☐ Treatment provider
 - ☐ Original petitioner




MOT Hearing – Examiner (§ 37.2-817.2.B)

- Examination includes relevant items as is required for commitment hearing
- Certification of examiner may be admitted without appearance of examiner if not objected to by person or his attorney
- If not detained, CSB shall offer to arrange transportation to examination




MOT Hearing – Nonattendance at Exam (§ 37.2-817.2.B)

- If person fails to appear at examination, CSB must notify court, or magistrate if court not available
- Court or magistrate shall issue mandatory examination order and capias
- Primary law enforcement agency where person resides shall transport person to exam
- Custody shall not exceed 4 hours




MOT Hearing – Nonappearance (§ 37.2-817.2.C)

- If person fails to appear at hearing, court shall:
 - ☐ Reschedule the hearing
 - ☐ Issue an ECO
 - ☐ Issue a TDO




MOT Hearing Outcome (§ 37.2-817.2.D)

- At conclusion of evidence, the court shall:
 - ☐ Order involuntary inpatient admission if person meets criteria
 - ☐ Renew MOT order if person meets criteria, making necessary modifications acceptable to CSB or treatment providers
 - ☐ Rescind MOT order
- Transportation to inpatient treatment facility provided by Sheriff




Rescission of MOT Order (§ 37.2-817.3)

- If CSB determines person has complied with MOT order and no longer meets criteria, or it is no longer necessary:
 - CSB may petition for rescission of order
 - If court agrees, it shall rescind order
 - Otherwise, court schedules hearing for review of MOT order




Rescission of MOT Order (§ 37.2-817.3.B)

- Any time after 30 days of entry of MOT order, person may petition court to rescind order
- Court shall schedule review hearing
- CSB shall provide preadmission screening report
- Person may petition only once in 90-day period



Continuation of MOT Order (§ 37.2-817.4)

- Within 30 days of expiration of MOT Order, CSB, any treating physician or other responsible person may petition to extend MOT order
- If person and CSB, if CSB not petitioner, agree, court shall extend order without hearing



Continuation of MOT Order – Examiner (§ 37.2-817.4.C)

- Court shall appoint examiner
- CSB shall provide a preadmission screening report
- Court may continue order for up to 180 days
- MOT order in effect at time petition for continuation filed shall remain in effect until hearing